

**City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
September 4, 2014**

Call to Order

The Mayor and City Council of Fayetteville met in regular session on September 4, 2014 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer led by Danny Harrison and then led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Paul Oddo, Scott Stacy and James Williams. Staff members present were City Manager Joe Morton and City Clerk Anne Barksdale.

Oddo moved to approve the minutes of the regular Council Meeting of August 21, 2014. Johnson seconded the motion. Motion carried 4-0-1. For – Oddo, Johnson, Edwards, Johnson. Abstain – Stacy.

Recognition and Presentations:

Mayor Clifton read and presented Proclamation for Constitution Week (September 15th – 20th) to Phyllis King, Regent with the James Waldrop Chapter, Daughters of the American Revolution. She said there will be a bell ringing and musket salute on September 17th at the Old Courthouse. This marks the 227th anniversary of the framing of the Constitution.

Public Hearings:

Mayor Clifton called Consider R-9-14 – Authorizing Fayetteville as a Pilot Site in Metro Atlanta for Autonomous Vehicle Design, Development, and Testing.

Mayor Clifton stated that Fayette County Board of Commissioners recently approved a resolution authorizing Fayette County as a potential pilot site for autonomous vehicle design, development and testing. Federal and State agencies are backing this project and the County is asking if the surrounding municipalities would also like to be included in the pilot boundary. He agrees that Fayetteville should jump on the bandwagon; autonomous vehicle design could be closer in our future than we thin and it will put Fayetteville on the cutting edge of this development.

Williams moved to approve R-9-14 – Authorizing Fayetteville as a Pilot Site in Metro Atlanta for Autonomous Vehicle Design, Development, and Testing. Oddo seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-15-14 – Amend Villages PCD for 13 Acres from Restaurant/Retail Mixed Use to Senior Villages – Public Hearing and 1st Reading.

Mayor Clifton stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Clifton asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Clifton stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Clifton requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Clifton stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Clifton said he wanted to make it public information that he does own property next to Auto Zone which is located next to the Villages property.

Brian Wismer, Director of Community Development stated the applicant is seeking a revision to the Planned Community District (PCD) zoning currently in place in the Villages, to allow for a market-rate, Senior Village concept on the 13.73 acre parcel located at the intersection of West Lanier Ave (SR54) and Meeting Place Drive. The current PCD zoning on this parcel allows for a mixed-use development to include primarily retail and restaurant uses with space allocated for a grocery store/market and residential units over 1st floor retail. The property is bordered to the west by Lafayette Square apartments, currently under plan review. The proposed zoning for a Senior Village will include 24 quad-unit villas, 125 additional independent living units in a multi-story structure, and a separate building which will house 60 assisted living suites and 30 memory care units. The total density is 17.4 units/acre for all housing types, but because many of these units are classified as institutional housing, the density is only 10.85 units/acre when considering only the independent living units. At this time, Staff has not received conceptual elevation drawings. Because of its location near the downtown corridor, the buildings' architecture will be required to conform to the guidelines of the Main Street historic district.

He said the zoning designation of PCD allows for the creation of an individual site-specific zoning district, distinct in scope and purpose, which is attached to a particular parcel of land. Said PCD zoning runs with the land, and may not be transferred to another parcel. The PCD also allows an applicant to designate a mixture and arrangement of land uses, not normally available under traditional Euclidian zoning.

Mr. Wismer added that the Mayor and Council recently evaluated similar criteria from the zoning code and comprehensive plan to rezone the adjacent parcel for the Lafayette Square project in the Villages PCD. Like before, this proposed development is requesting a rezoning which is completely different from the original uses planned for this property (residential vs. commercial/mixed use). Because the Villages PCD is considered one major development of many interrelated parts, it is important to evaluate this proposal in the context of the entire Villages neighborhood. The city recently approved the adjacent Lafayette Square development for multiple reasons, but partly because the mixed use component of the Villages has remained completely unrealized. One of the key arguments in favor of that approval was to help create the "critical mass" needed at the Villages (and in proximity to downtown) to support the commercial uses that were initially planned and still desired and recognized as the best use for the property.

He said it is important to note that approving this development will consume another large portion of land previously designated for commercial and mixed use, making it less likely to ever achieve that component of the Villages concept. It is too difficult to predict whether or not commercial/mixed use

development will ever be realized on the subject property, but the Council's recent rezoning of the adjacent property has yet to make its contribution to the revitalization of the downtown corridor. Staff concurs with the P&Z Commission's recommendation that it may be prudent to allow time for this to occur before continuing to deviate from the original Villages PCD.

Should Council decide to approve the rezoning, it does contain components that would be considered beneficial from an environmental and infrastructure standpoint. The City Engineer has conducted a traffic and stormwater analysis on the project, and has the following points which should be considered. In comparison to the original commercial/mixed use development, the parking requirements are considerably less which will significantly reduce stormwater runoff and pollution. He added, likewise, due to the limited automobile activity of residents within the Senior Village, the traffic trip generation would be as much as 90% less than the commercial/mixed use permitted under the current PCD on this site. Also, as previously stated, the project would likely receive accolades from the Atlanta Regional Commission (ARC) for furthering the Lifelong Communities principles within the City.

Because the project has both merits and detractions, Staff cannot unequivocally support nor deny a specific recommendation; as either can be justified. It is important to consider the future goals of the downtown corridor and whether or not the provided findings within the Fayetteville City Code and Comprehensive Plan deem this project to be the best use for this property.

David Russell, Development Director for the Beverly Searles Foundation (the applicant) spoke about the project as well as Dennis Drewyer, the Land Planner, who also went through a powerpoint presentation on the project.

Public comments were heard by residents Sandi Shubert, Dennis Shubert, Tony Parrot, and Al Hovey King who all spoke against the Senior Villages Development project. Resident Elaine Allen spoke in favor of the Senior Villages project.

Mayor Clifton stated this was posted for 1st Reading.

Mayor Clifton called Consider #0-16-14 – To Amend Chapter 10 Alcoholic Beverages – To Allow Alcohol Sales at Non-Profit Fundraisers – 1st Reading.

Brian Wismer, Director of Community Development stated the proposed amendments to the City's alcohol ordinance were precipitated by the desire to partner Fayetteville Main Street with the Kiwanis Club for an annual special event where malt beverage tastings can occur as a fundraiser. Currently, the City's ordinance is set up to allow a non-profit fundraiser to conduct wine tastings, but not malt beverages. As the ordinance is so specific to differentiate between the two, it is necessary to make the proposed text changes to include both wine and malt beverages.

The Georgia Alcoholic Beverage Code at section 3-9-3 provides for non-profit, special event fundraisers as such and requires a separate event permit from the state Commissioner, in addition to

any local permitting requirements. The City currently requires a Special Event permit for off-premises catered events, which will be amended to include this type of non-profit fundraiser.

He added the additional proposed text amendments are housekeeping items that will provide more clarity and detail to changes that were passed in 2012, relating to applications and licensing for malt beverage manufacturing; and to align the definition of malt beverage with the Georgia standard.

He said Staff recommends approval of the ordinance amendments as presented.

There were no public comments.

Mayor Clifton stated this was posted for 1st Reading.

Mayor Clifton called Consider #0-17-14 – To Rezone 59.62 Acres at 819 Redwine Road from R-30 (Single Family Residential) to R-22 (Single Family Residential) – Public Hearing and 1st Reading.

Mayor Clifton said the applicant has asked to have this item tabled.

Brian Wismer, Director of Community Development concurred and added the applicant has asked to table until the next City Council meeting which is October 2, 2014.

Councilmember Oddo recused himself from this vote, due to the fact that he has a personal connection and interest in this property.

Stacy moved to table #0-17-14 – To Rezone 59.62 Acres at 819 Redwine Road from R-30 (Single Family Residential) to R-22 (Single Family Residential) – Public Hearing and 1st Reading, until the October 2, 2014 City Council meeting. Johnson seconded the motion. Motion carried 4-0-1. For – Edwards, Johnson, Williams, Stacy. Oddo recused himself from the vote.

New Business:

Mayor Clifton called Consider Approval of Lease for Fire Station 93 – Temporary Site.

Alan Jones, Fire Chief said we are requesting approval to execute a lease between Fayette Community Hospital, Inc. d/b/a Piedmont Fayette Hospital (“landlord”) and the City of Fayetteville (“tenant”) for a certain space located within its campus located at 1255 Highway 54 West. This space will be used to provide for a temporary fire station to service the West Fayetteville area. The landlord will permit the construction of an apparatus garage to house and protect a City fire apparatus. Funds are budgeted for the operation of this location, including the construction of the garage.

Approval of this lease will be necessary to move forward with the automatic aid agreement recommended by staff in order to provide proper coverage to this area along with response equity to the County.

He said the attached lease has been reviewed by the City attorney – there are two small adjustments in process. The final lease will be forwarded immediately once the required changes are made.

Johnson moved to approve Lease for Fire Station 93 – Temporary Site. Stacy seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Approval of Intergovernmental Agreement (IGA) Between Fayette County and the City of Fayetteville Updating Fire Service Automatic Aid Agreement.

Alan Jones, Fire Chief stated we are requesting your approval to execute the proposed fire automatic aid agreement between the City of Fayetteville and Fayette County. This will be a scaled back version of the current aid system and will limit aid to residential and commercial fires according to the attached map “exhibit A.” The attached agreement has been reviewed by the City Attorney and will not have any effect on the 1989 agreement which outlines our mutual aid procedures.

Stacy moved to approve Intergovernmental Agreement (IGA) Between Fayette County and the City of Fayetteville Updating Fire Service Automatic Aid Agreement. Edwards seconded the motion. Motion carried unanimously.

Consent Agenda:

Mayor Clifton called for approval of Consent Agenda – Consider Amendment to Pay and Classification Plan.

Joe Morton, City Manager explained the addition of Assistant City Manager to Fire Chief Alan Jones’ title. He added this role was previously assumed by Finance Director Lynn Robinson.

Johnson moved to approve Consent Agenda as presented. Stacy seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

Joe Morton, City Manager reminded Council of the Called City Council meeting Friday morning at 8:00 a.m.

Alan Jones, Fire Chief reminded Mayor and Council of the upcoming Silent Heroes Banquet scheduled for Thursday, September 11th at Pinewood Studios. Our firefighters will be recognized. He asked for an RSVP if attending.

Brian Wismer, Director of Community Development reminded everyone of the Taste of Fayette event to be held Sunday, September 14th from 12:00 - 5:00 at the Gazebo.

Mayor's Comments:

Mayor Clifton said he attended a Makerspace meeting at GA Tech to learn about innovative ways to share office space and he attended a meeting today at GMC to discuss the new campus coming to Fayette County.

Public Comments:

Resident Gini Armstrong submitted a letter of concern and asked what the City is doing concerning the tree deforestation on Highway 54 and Weatherly Drive.

Kiwanis member Geneva Weaver announced their Beer Fest event scheduled for March 28, 2015 in lieu of the annual Kiwanis Fair.

Johnson moved to adjourn the meeting. Oddo seconded the motion. The motion carried unanimously.

Respectfully submitted,

Anne Barksdale, City Clerk